



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,205	07/24/2003	Puthukode G. Ramachandran	AUS920030501US1	9668

35525 7590 12/19/2006  
IBM CORP (YA)  
C/O YEE & ASSOCIATES PC  
P.O. BOX 802333  
DALLAS, TX 75380

EXAMINER
----------

PHAM, CHRYSTINE

ART UNIT	PAPER NUMBER
----------	--------------

2192

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/626,205	Applicant(s) RAMACHANDRAN ET AL.	
	Examiner Chrystine Pham	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/24/2003</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to application 10/6262 filed on July 24, 2003. Claims 1-19 are presented for examination.

#### ***Information Disclosure Statement***

2. The information disclosure statement filed July 24, 2003 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. JP10260820A has been placed in the application file, but the information referred to therein has not been considered.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Donohue (US 6,202,207 B1).

Claim 1

Art Unit: 2192

Donohue further teaches a method for testing the compatibility of software versions (see at least FIGS.4A-B & associated text), the method comprising the computer-implemented steps of:

- responsive to an installation of a new software module in a data processing system, performing an inventory on an existing set of software modules resident in the data processing system (see at least 10, 80, 90 FIG.1 & associated text; 200, 210, 230, 290, 410 FIG.4A & associated text);
- referring to a knowledge base of versions of respective software modules to obtain compatibility information for the new software module with the existing set of software modules (see at least 40 FIG.1 & associated text; 110, 120, 130 FIG.2 & associated text; 250, 260 FIG.4A & associated text); and
- providing the compatibility information from the knowledge base, wherein the compatibility information is used to determine whether to install the new software module (see at least 310 FIG.4B & associated text).

## Claim 2

The rejection of base claim 1 is incorporated. Donohue further teaches responsive to a first selected user input, testing the new software module in a test data processing system in combination with the existing set of software modules; and responsive to a second selected user input, installing the new software module in the data processing system (see at least 20 FIG.1 & associated text; 260 FIG.4A & associated text; 360-310 FIG.4B & associated text).

### Claim 3

Donohue further teaches a method for testing the compatibility of software versions (see at least FIGS.4A-B & associated text), the method comprising the computer-implemented steps of:

- responsive to an installation of a new software module in a data processing system, performing an inventory on an existing set of software modules resident in the data processing system (see at least 10, 80, 90 FIG.1 & associated text; 200, 210, 230, 290, 410 FIG.4A & associated text);
- referring to a knowledge base of versions of respective software modules to determine whether the new software module is known to be compatible with the existing set of software modules (see at least 40 FIG.1 & associated text; 110, 120, 130 FIG.2 & associated text; 250, 260 FIG.4A & associated text); and
- responsive to a negative determination, testing the new software module in a test data processing system in combination with the existing set of software modules (see at least 290 FIG.4A & associated text).

### Claim 4

The rejection of base claim 3 is incorporated. Donohue further teaches responsive to a determination that the new software module is compatible with the existing software modules, adding a new combination to the knowledge base; and installing the new software module in the data processing system (see at least 310 FIG.4B & associated

text).

#### Claim 5

The rejection of base claim 3 is incorporated. Donohue further teaches

- responsive to a determination that the new software module is not compatible with the existing modules, searching the knowledge base to find a closest match, wherein at least one of the existing modules is removed or replaced with a different version (see at least 310, 360 FIG.4B & associated text);
- prompting for the user as to availability of the closest match combination (see at least 280 FIG.4A & associated text); and
- responsive to a user input, installing the new software module and changing the existing modules as needed to obtain a compatible combination (see at least 300-310 FIG.4B & associated text).

#### Claim 6

Claim recites limitations, which have been addressed in claim 2, therefore, is rejected for the same reasons as cited in claim 2.

#### Claim 7

The rejection of base claim 6 is incorporated. Donohue further teaches wherein the installing step comprises:

Art Unit: 2192

- identifying an environment of a client in which the software module is to be installed (see at least 290 FIG.4B & associated text);
- recreating the environment on a test data processing system; and
- installing the software module on the test data processing system to form the installed software module (see at least 310 FIG.4B & associated text).

#### Claims 8-12

Claims recite limitations, which have been addressed in claims 1-2, 4, 5, and 7, therefore, are rejected for the same reasons as cited in claims 1-2, 4, 5, and 7.

#### Claim 13

Donohue teaches a computer program product in a computer readable medium (see at least 20, 10 FIG.1 & associated text) for performing the method addressed in claim 3, therefore, is rejected for the same reasons as cited in claim 3.

#### Claims 14-17

Claims recite limitations, which have been addressed in claims 2, 4, 5, 7, and 13, therefore, are rejected for the same reasons as cited in claims 2, 4, 5, 7, and 13.

#### Claim 18

Donohue teaches a data processing system for managing keepalive transmissions, the data processing system comprising:

Art Unit: 2192

- a bus system (see at least 10 FIG.1 & associated text);
- a communications unit connected to the bus system (see at least 10 FIG.1 & associated text);
- a memory connected to the bus system, wherein the memory includes a set of instructions (see at least 20 FIG.1 & associated text); and a processing unit connected to the bus system (see at least *automatic updating, synchronizing updates* Abstract), wherein the processing unit executes the set of instructions to perform the method addressed in claim 2, therefore, is rejected for the same reasons as cited in claim 2.

#### Claim 19

Claim recites limitations, which have been addressed in claims 2 and 18, therefore, is rejected for the same reasons as cited in claims 2 and 18.

#### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chrystine Pham whose telephone number is 571-272-3702. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2192

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP  
July 24, 2006



TUAN DAM  
SUPERVISORY PATENT EXAMINER